IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5593 of 2005

MEVA
V/S
BOARD OF REVENUE,AJMER & ORS.

Mr. PS RATHORE, for the appellant / petitioner

Mr. OP BOOB, A.G.A., for the respondent

Date of Order : 7.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner and perused the judgments of the two learned Courts below.

The conclusions arrived at by the learned Board of Revenue and the learned Appellate Authority are pure conclusions of fact, and have been arrived at after appreciating the evidence on record, inasmuch as, it has been found that none of the plaintiff's witnesses have deposed about the identity of the land, on which the plaintiff claims to be in possession. Then it has been found to be established that the land was allotted temporarily in Samvat 2038, and was thereafter renewed in Samvat 2039, and thereafter, since it was not in possession, it was not renewed. It has also been found that in the year 1968, since the petitioner went to Pakistan, by virtue of provisions of Section 63, the land was resumed to the State, while the present suit has been filed as late as

in the year 1983. Thus, it has been found that the plaintiff has apparently failed to establish any right over the land in question. It has also been found by the learned Board of Revenue that no record has been produced to show the petitioner's possession over the land in question in Samvat 2012.

Learned counsel for the petitioner argued that in Samvat 2012, the petitioner's possession was recorded. Thereupon the petitioner was called upon to show the document, and also to show, as to what was the nature of possession that was recorded, but the learned counsel did not show any such record either.

In view of the above, I do not find any sufficient ground to interfere with the impugned orders of the learned Revenue Appellate Authority and the learned Board of Revenue. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/